THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 11990 of 2006

DATED: 20-06-2006

BETWEEN:

Siddeshuni Ravi Kumar and others

.. Petitioners

And

The Government of A.P.
Rep.by its Prl. Secretary,
Endowments Department and others

.. Respondents

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 11990 of 2006

ORAL ORDER:

The petitioners are Archakas of Sri Siddeswara Swami Temple, Hanamkonda, Warangal District.

There are several proceedings including writ petitions and appeals pending between the petitioners and the respondents with regard to the lands of the Devasthanam which are in the possession and cultivation of the petitioners. A Division Bench of this Court by the order dated 05.06.2006 in W.A.M.P.No.926 of 2005 in W.A.No.463 of 2005 directed the parties to maintain *status quo* as on the date of the order, in respect of the disputed lands. The respondents 1 to 4 herein are parties to the aforesaid order of the Division Bench.

Earlier, the petitioners were granted ryotwari pattas in respect of these lands. The ryotwari pattas however stood eclipsed with the invalidation of the Andhra Pradesh (Telangana Area) Abolition of Inams Act, 1967 and the enforcement of certain provisions of the A.P. (Telangana Area) Abolition Act, 1954.

The State Government issued orders in G.O.Ms.No.657 Revenue Department, dated 24.08.1999 in purported exercise of the power under Section 80(1)(c) first proviso of the A.P. Charitable and Hindu Religious Institutions and Endowments Act,

1987 accorded permission to the executive authority of the subject temple to sell the lands specified in the Government order at the rates specified therein in favour of the petitioners-archakas of the subject temple, subject to fulfillment of the formalities prescribed under the provisions of the Act. Pursuant to the said decision, an amount of Rs.7,81,820/- was also deposited by and on behalf of the petitioners some time in January, 2000. Thereafter, the respondents resiled from the promise spelt out in G.O.Ms.No.657. There ensued a regnant litigation between the parties. Various facets of these disputes are pending before this Court in various proceedings. It is not necessary to record the variety of such litigation in this writ petition.

After the order of the learned Division Bench dated 05.06.2006 granting a status quo, the petitioners contend, the respondents with a view to deprive the petitioners from their present employment as archakas, issued through the 4th respondent the impugned notification dated 07.06.2006, calling for applications from interested persons for consideration for appointment as trustees to the subject temple. The petitioners contend that this action has been generated through the 4th respondent to defeat the petitioners of their rights to the lands in question by first targetting their present employment as archakas of the subject temple. In this writ petition therefore, they assail the initiation of process to appoint trustees to the subject temple in exercise of the undisputed power of the 4th respondent under Section 15(3) of the Act, since admittedly subject temple is under Section 6(c) temple.

Much of the petitioners' apprehension that is urged in the writ petition is on account of the incessant litigation between the parties in respect of the lands claimed to be in the occupation and cultivation of the petitioners.

The respondents, in particular the 4th respondent, have the statutory power under Section 15(3) of the Act to initiate and complete the process of appointment of trustees. The exercise of that power cannot be interdicted on the ground that a consequence of such exercise might lead to malicious or arbitrary exercise of power by the trustees so appointed, resulting in illegally depriving of the petitioners' of their occupation as archakas of the subject temple. What is assailed in this writ petition is a notification inviting applications. The potential applicants are unknown at this point of time. Which of the applicants would be selected and considered for appointment as trustees is also not known. On appointment the trustees would not have the necessary integrity and would succumb to persuasions of the respondents, is a wholly speculative exercise at the moment. In any event, as and when any authority including a trustee or board of trustees acts in contravention of law or illegally seeks to deprive the petitioners of whatever legitimate rights they have, the petitioners have a plenitude of remedies including under Article 226 of the Constitution to seek the immediate and emergent succor for the grievances. The apprehension of the petitioners has no basis in current fact. There are no merits.

The writ petition is accordingly dismissed at the stage of admission, after hearing the learned Government Pleader.

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GODA RAGHURAM,J

Dated:20-06-2006

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